

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Cynthia McKeever,)	Case No.: 4:22-cv-00599-JD-KDW
)	
Plaintiff,)	
)	
vs.)	
)	ORDER AND OPINION
South Carolina Department of Disabilities and Special Needs,)	
)	
)	
Defendant.)	
)	

This matter is before the Court with the Report and Recommendation (“Report and Recommendation” or “Report”) of United States Magistrate Judge Kaymani D. West, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(g) of the District of South Carolina.¹ (DE 47.) Plaintiff Cynthia McKeever (“Plaintiff” or “McKeever”) brought this action against her employer, Defendant South Carolina Department of Disabilities and Special Needs (“Defendant” or “SCDDSN”), alleging two federal-law-based causes of action brought pursuant to the Family Medical Leave Act (“FMLA”). First, Plaintiff alleges Defendant interfered with her FMLA rights and retaliation for exercising such rights. (DE 1.) Secondly, Plaintiff asserts a state-law-based cause of action for intentional infliction of emotional distress (“IIED”). (DE 1.) On June 7, 2022, Defendant filed a Motion to Dismiss. (DE 11.) Plaintiff responded (DE 12) to which Defendant replied (DE 13).

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Report and Recommendation was issued on October 3, 2022 (DE 14), recommending that Defendant's Motion to Dismiss be granted in part and denied in part. Plaintiff has not filed an objection to the Report. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Accordingly, after a thorough review of the Report and Recommendation and the record in this case, the Court adopts the Report (DE 14) and incorporates it herein.

It is, therefore, **ORDERED** that Defendant's Motion to Dismiss (DE 11) is granted as to the IIED cause of action and denied as to the FMLA causes of action.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph Dawson, III". The signature is written in a cursive style with a large, looped "J" and "D".

Joseph Dawson, III
United States District Judge

Florence, South Carolina
November 3, 2022